

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#2
MLWIn the application of:
McMillan et al

) Examiner: not yet assigned

) Group Art Unit: not yet assigned

For: APPARATUS FOR ANALYSIS OF A
NUCLEIC ACID AMPLIFICATION
REACTION)
)
)
)INFORMATION DISCLOSURE STATEMENT

Serial No.: not yet assigned

)

Filed: December 19, 2001

)

Express Mail Label No.:
Mailed in Palo Alto, CA on:EL 912 437 115 US
December 19, 2001J1050 U.S. PTO
10/027404
12/19/01Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in the above-entitled patent application is an Information Disclosure Statement, in compliance with 37 CFR 1.97, with referenced documents [A1-A14; B1-B3; C1]. The references listed on the attached form PTO-1449 with an asterisk placed beside them were previously cited by or submitted to the PTO in prior application Serial No. 09/808,674, filed March 14, 2001, therefore copies of these references are not enclosed herewith. Also included is a return postcard.

- [X] The Information Disclosure Statement is being submitted: (a) within three months of the filing date, or (b) before the mailing date of the first Office action on the merits. **Therefore, no fee is due under 37 CFR 1.97(b).**
- [] The Information Disclosure Statement is submitted more than three months after the filing date and after the mailing date of the first Office action on the merits, but, before a final action under § 1.113 or a notice of allowance under § 1.311. Applicant(s)' attorney hereby certifies under 37 CFR 1.97(e)(1) that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office on a counterpart foreign application not more than three months prior to the filing of the Statement. **Therefore, no fee is due under 37 CFR 1.97(c).**
- [] The Information Disclosure Statement is submitted more than three months after the filing date and after the mailing date of the first Office action on the merits, but, before a final action under § 1.113 or a notice of allowance under § 1.311. Applicant(s)' attorney hereby certifies under 37 CFR 1.97(e)(2) that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a foreign counterpart

application, or, to the undersigned Attorney's knowledge after making reasonable inquiry, was known to any person designated in §1.56(c) more than three months prior to the filing of the Statement.
Therefore, no fee is due under 37 CFR 1.97(c).

Deposit Account Authorization

- [] The Information Disclosure Statement is submitted more than three months after the filing date and after the mailing date of the first Office action on the merits, but, before a final action under § 1.113 or a notice of allowance under § 1.311, without certification under 37 CFR 1.97(e). Therefore, only if this entry is checked in the left margin, the \$180.00 fee set forth in §1.17(p) is authorized below.
- [] The Information Disclosure Statement is submitted after the mailing date of a final action under § 1.113 or a notice of allowance under § 1.311, but before payment of the issue fee.
- [] Applicant(s)' attorney hereby certifies under 37 CFR 1.97(e) (1) that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office on a counterpart foreign application not more than three months prior to the filing of the Statement.
- [] Applicant(s)' attorney hereby certifies under 37 CFR 1.97(e) (2) that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a foreign counterpart application, or, to the undersigned Attorney's knowledge after making reasonable inquiry, was known to any person designated in §1.56(c) more than three months prior to the filing of the Statement.
- [] Applicant(s) hereby petition requesting consideration of the Information Disclosure Statement. Therefore, only if this entry is checked in the left margin, the \$180.00 petition fee set forth in § 1.17(i) (1) is authorized below.
- [X] The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-1641, referencing attorney docket number 22660-0025 C1. A duplicate of this document is enclosed.

Respectfully submitted,



William Schmonsees
Attorney for Applicants
Reg. No. 31,796

Date: December 19, 2001

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
Direct Dial: (650) 324-7041
Facsimile: (650) 324-0638

INFORMATION DISCLOSURE STATEMENT (37 CFR 1.56, 1.97, and 1.98) SHEET 1 OF 1	ATTORNEY DOCKET 22660-0025 D1 C1	APPLICATION NO. not yet assigned
	APPLICANT(S) McMillan et al	
	FILING DATE December 19, 2001	GROUP not yet assigned

US PATENT DOCUMENTS

† EX'R INITIAL	* REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	CLASS/ SUBCLASS	FILING DATE (If appropriate)
	*A1	5,219,727	6/1993	Wang et al	435/6	
	*A2	5,476,774	12/1995	Wang et al	435/91.2	
	*A3	5,710,029	1/1998	Ryder et al	435/911	
	*A4	5,747,246	5/1998	Pannetier et al	435/6	
	*A5	5,766,889	6/1998	Atwood	435/91.2	
	*A6	5,834,255	11/1998	van Gemen et al.	435/91.21	
	*A7	5,837,501	11/1998	Beumer et al.	435/91.2	
	*A8	5,863,736	1/1999	Haaland	435/6	
	*A9	6,066,458	5/2000	Haaland	435/6	
	*A10	6,080,574	6/2000	Brendt	435/288.7	
	*A11	6,174,670	1/2001	Wittwer et al	435/6	
	*A12	6,232,079	5/2001	Wittwer et al	435/6	
	*A13	6,294,338	9/2001	Nunomura	435/6	
	*A14	6,303,305	10/2001	Wittwer et al	435/6	

J1050 U.S. PTO
 10/027404
 12/19/01

FOREIGN PATENT DOCUMENTS

† EX'R INITIAL	* REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)
	*B1	EP0640828 A1	8/1994	EP	
	*B2	WO 97/46707	6/1999	WO	
	*B3	EP0497784	7/1999	EP	

OTHER DOCUMENTS

† EX'R INITIAL	* REF. #	CITATION (Author, Article Title, Journal/Book Title, Date, Pertinent Pages, etc.)
	*C1	LightCycler Operator's Manual Version 3.0, May 1999, Roche Pharmaceuticals
EXAMINER'S SIGNATURE		DATE CONSIDERED

† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Line through citation if not in conformance and not considered. Include copy of this form in next communication to applicant.

* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 USC 120. 37 CFR 1.98(d).